



BOARD OF PUBLIC WORKS & SAFETY OCTOBER 20, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved to accept the minutes of the regular session of October 6, 2005 as presented. Second by Mr. Hoover. Vote: Ayes.

Chief Information Officer Rick Jones brought a proposal that the City enter into lease agreements with Xerox for the acquisition of two new copy machines. The first one would replace the copier in the City Building mail room and the copier in the Human Resources Department. The copier in the mail room can no longer be repaired due to its age and lack of availability of parts. The lease would be \$266.56/month for 48 months. There would be reduced maintenance cost per copy (\$.0129/copy vs. \$.0221/copy currently). The new device will add the capabilities of "Network Printing", "Network Scanning", and "Scan to Email". The second copier, identical model, would replace the one in the Engineering and Planning departments. Xerox also has a promotion, said Mr. Jones, that will allow us to trade in two existing HP laser printers (in any condition), and receive in return, two new Xerox color laser printers at no charge, which would become the property of the City. Mr. Hoover moved to grant the request to enter into the agreement with Xerox to lease the two copiers and to authorize the Mayor to sign the contract on behalf of the Board. Second by Mr. Beville. Vote: Ayes.

Carl Jordan of 1455 Egret Lane requested permission to encroach on a utility easement for an existing mini-barn. He indicated he had permission from all utilities and presented a packet of documentation. It is a 20' easement, with an encroachment of about 5' said Mr. Jordan, with about 42 feet from the back of the barn to the lake. Mr. Peoni indicated that there is no storm sewer in the area. Mr. Hoover moved to grant the easement request at 1455 Egret Lane, subject to the condition that if the City needs to have access to the easement, moving the barn and any damage is the responsibility and liability of the homeowner. Second by Mr. Beville. Vote: Ayes.

Scott Claig, owner of Hometowne Pizza brought a request to sell pizza on the Apryl Drive cul-de-sac between Ray Skillman Ford and Clearbrook Park at the entrance to Clearbrook Subdivision. They would be working out of their concession trailer. They have applied for their permit through the Clerk-Treasurer's office. After discussion, Mr. Hoover moved to grant the request of Hometowne Pizza to utilize the cul-de-sac on Apryl Drive on October 27th from 4:00 p.m. to 9:00 p.m., subject to getting clearance from the Police Department and the appropriate permit from the City. Second by Mr. Beville. Mayor Henderson mentioned that he would want good lighting for the cul-de-sac. Vote: Ayes.

The next item was a public hearing regarding the petition of Radio Cab of Greenwood to increase taxi cab rates. Mayor Henderson opened the hearing for public input. Hershel Bray was present to answer questions. As no one spoke, the public hearing was closed. Mr. Beville moved to recommend to the Greenwood Common Council that the taxi cab rates be increased as requested by Radio Cab of Greenwood, Inc. and to adopt Resolution No. 05-05, "A Resolution Recommending an Increase in Taxi Cab Rates", formally making that recommendation and to direct the Clerk-Treasurer to forward a copy of the Resolution to the Common Council for consideration. Second by Mr. Hoover. Vote: Ayes.

John Grimes of Projects Plus, on behalf of Crooked Bend, Section 5B, requested acceptance of improvements, acceptance of maintenance and performance bonds and execution of the final plat. Mr. Peoni confirmed that a final field inspection shows that all improvements being requested for acceptance appear to have been satisfactorily installed. The improvements and amounts shown on the performance and maintenance guarantees are correct. The Law Department has approved the form of the

guarantees. The 1/3 SAF and outside engineering fees have been paid. Minor revisions are needed on the plat, as well as the as-builts. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Crooked Bend Subdivision, Section 5B, subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #5018886 in the amount of \$10,083.58 from Bond Safeguard Insurance Company for the sanitary sewers at Crooked Bend Subdivision, Section 5B.
- 3) Accept the dirtwork and storm sewers at Crooked Bend Subdivision, Section 5B.
- 4) Accept three (3) year maintenance bond #5018885 in the amount of \$87,303.51 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at Crooked Bend Subdivision, Section 5B.
- 5) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Crooked Bend Subdivision, Section 5B.
- 6) Accept three (3) year maintenance #104616379 in the amount of \$14,016.09 from United States Fidelity and Guaranty Company for the stone base, bituminous base and bituminous binder (streets) at Crooked Bend Subdivision, Section 5B.
- 7) Accept three (3) year maintenance bond #RSB4072178 in the amount of \$5,608 from RLI Insurance Company for the concrete curbs at Crooked Bend Subdivision, Section 5B.
- 8) Accept performance letter-of-credit (LOC) #MSS-017-05 in the amount of \$9,971.50 from Caden Financial Corporation for the installation of the bituminous surface and tack coat at Crooked Bend Subdivision, Section 5B.
- 9) Accept performance LOC #MSS-019-05 in the amount of \$1,503.70 from Caden Financial Corporation for the installation of the signs and monuments at Crooked Bend Subdivision, Section 5B.
- 10) Accept performance LOC #MSS-018-05 in the amount of \$30,540.40 from Caden Financial Corporation for the installation of the sidewalks at Crooked Bend Subdivision, Section 5B.
- 11) Execute the plat, all contingent upon:
 - a. Payment of any final Inspection & Testing fees, if applicable.
 - b. Final review and approval of the plat by the Engineering and Planning departments.
 - c. Final receipt and review of two (2) sets of mylar as-builts.
 - d. Final approval letter from the Sanitation Superintendent on the sanitary sewers.

Second by Mr. Beville. Vote: Ayes.

For The Chateaux at Woodfield, Section 2, Fred Leimberger of Precedent asked the Board to accept improvements, accept maintenance and performance bonds and execute the final plat. Mr. Peoni indicated that the improvements being requested for acceptance appear to have been satisfactorily installed. The improvements and amounts shown on the bonds are correct and the bond form has been approved by the Law Department; however two maintenance bonds (for the sanitary sewers and the dirtwork and storm sewers) need correction in listing the contractor. The 1/3 SAF, 15 Year Law and outside engineering fees have all been paid. Inspection & Testing fees need to be calculated. Minor revisions are needed on the plat and the as-builts. Mr. Beville then moved to:

- 1) Accept the sanitary sewers at The Chateaux at Woodfield Subdivision, Section 2, subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #MNT08640913 from Fidelity & Deposit Co. of Maryland in the amount of \$24,456 for the sanitary sewers at The Chateaux at Woodfield Subdivision, Section 2.
- 3) Accept the dirtwork and storm sewers at The Chateaux at Woodfield Subdivision, Section 2.
- 4) Accept three (3) year maintenance bond #MNT08640912 from Fidelity & Deposit Co. of Maryland in the amount of \$107,741 for the dirtwork and storm sewers at The Chateaux at Woodfield, Section 2.
- 5) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at The Chateaux at Woodfield Subdivision, Section 2.
- 6) Accept three (3) year maintenance bond #104616386 in the amount of \$53,893.40 from St. Paul Fire and Marine Insurance Company for the stone base, bituminous base and bituminous binder (streets) at The Chateaux at Woodfield Subdivision, Section 2.
- 7) Accept three (3) year maintenance bond #5018893 in the amount of \$13,074.60 from Bond Safeguard Insurance Company for the concrete curbs at The Chateaux at Woodfield Subdivision, Section 2.
- 8) Accept performance bond #5018044 in the amount of \$35,681.25 from Bond Safeguard Insurance Company for the installation of the bituminous surface and tack coat at the Chateaux at Woodfield Subdivision, Section 2.

- 9) Accept performance bond #5018045 in the amount of \$5,308.60 from Bond Safeguard Insurance Company for the installation of the signs and monuments at The Chateaux at Woodfield Subdivision, Section 2.
- 10) Accept performance bond #5018043 in the amount of \$83,260.10 from Bond Safeguard Insurance Company for the installation of the sidewalks at The Chateaux at Woodfield Subdivision, Section 2.
- 11) Execute the plat, all subject to:
 - a. Payment of any final Inspection & Testing fees, if applicable.
 - b. Final review and approval of the plat by the Engineering and Planning Departments.
 - c. Final receipt and review of two (2) sets of mylar as-builts.
 - d. Final approval letter from the Sanitation Superintendent on the sanitary sewers.
 - e. Final review and approval of the three (3) year maintenance bonds for the sanitary sewers and the dirtwork and storm sewers by the Engineering and Law departments.

Second by Mr. Hoover. Vote: Ayes.

For O'Reilly Auto at Summerfield Crossing Block C Lot 3, David Wagner with O'Reilly Auto requested execution of the final plat. The proposed store is to be just west of Donato's Pizza on Declaration Drive. They had to create a sub-plat for this project. Mr. Peoni indicated minor revisions are needed. Mr. Hoover moved to:

- 1) Execute the Sub-Plat for O'Reilly Auto at Summerfield Crossing, Block C, Lot 3, subject to
 - a. Final review and approval of the plat by the Engineering and Planning departments.

Second by Mr. Beville. Vote: Ayes.

Paul Maurer of Maurer Surveying came forward to ask for acceptance of construction plans and off-site easements for Abbey Villas. The City has received a final review letter from KOE Engineering & Surveying for the construction plans. The Sanitation Department has given final approval of the construction plans. The legal descriptions and graphic exhibits for the off-site easements have been reviewed and approved by the Engineering Department and the form of the easements has been approved by the Law Department. Mr. Beville moved to:

- 1) Approve the construction plans for Abbey Villas.
- 2) Accept and execute three (3) off-site permanent sanitary sewer easements.

Second by Mr. Hoover. Vote: Ayes.

For the same project, Mr. Maurer asked that they be allowed to install pipe between structures 8 through 10 this fall instead of tearing up the ground next spring. Mr. Hoover moved to grant the request, subject to execution of an Indemnification and Hold Harmless Agreement, posting of a performance guarantee in an amount to be determined by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Joe Meyer of KOE Engineering came forward for Greenwood Springs Block 1 Lot 6 (Union Federal Bank) to ask for acceptance of performance letters-of-credit (LOC's), acceptance of the Inspection & Testing Agreement and acceptance of right-of-way. Mr. Peoni confirmed that the improvements and amounts shown on the performance LOC's are correct although the Law Department finds the form NOT acceptable. The Inspection & Testing Agreement is on our form and acceptable. Mr. Hoover moved to:

- 1) Accept performance LOC #9644983909 in the amount of \$10,000 from Union Federal Bank of Indianapolis for the installation of the dirtwork and storm sewers at Union Federal Bank at Greenwood Springs Commercial Subdivision, Block 1, Lot 6.
- 2) Accept performance LOC #9644984009 in the amount of \$3,500 from Union Federal Bank of Indianapolis for the installation of the erosion control at Union Federal Bank at Greenwood Springs Commercial Subdivision, Block 1, Lot 6.
- 3) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify the acceptance of the 50% upfront fee, all contingent upon:
 - a. Final review and approval of the reviewed LOC's by the Law Department.

Second by Mr. Beville.

Regarding the right-of-way, Mr. Peoni mentioned that the new signals with all related equipment along Emerson Avenue were overlooked when the plat was recorded and an easement was not put in place so that the City could maintain the equipment. Mr. Peoni described the easement abutting the northern most traffic signal. Regency Place is working on getting this easement in place.

Code Enforcement Officer John Myers was next. A complaint was received on July 21st of high weeds and mosquitoes breeding in a drainage ditch at Southwood Mobile Home Park. Code Enforcement contacted the manager, Mr. Saxton. Certified letters were sent to Capital First Realty and Mr. Saxton and receipts were received. The ditches are on the east and west sides of the park. Work had been started on the east ditch yesterday. Mr. Myers told the Board they are still in violation. There was some question

as to whether the west ditch is theirs, he said. Mr. Myers indicated that Steve Williams of Franklin Engineering advised that the west ditch does belong to Southwood and not the neighboring property. There is still a drainage problem, said Mr. Myers, although mosquitoes will not be a problem at this time of year. Mr. Hoover moved to find that a nuisance exists at Southwood Mobile Home Park with both the ditches and the vacant lot. Second by Mr. Beville. Mr. Saxton told the Board that he had not been aware that the ditch on the west side of the property was part of the initial complaint and said he would take responsibility. The other ditch has been a bigger task than they anticipated. They are doing the job in-house and are about 85% done with the work. Work on the west side will be done tomorrow, he said. He will work on the north side next week, he said, and in response to Mr. Beville estimated the work could be complete in seven days. Vote: Ayes. Motion passed that a nuisance does exist. Director of Operations Norm Gabehart described a problem on the north side that he said may have occurred during construction. The water can't flow to the east or west. After more discussion, Mr. Hoover moved that a Notice of Abatement be issued giving seven days to abate the nuisance, and failing that, that the City Attorney take all steps she deems appropriate to correct the situation and charge the cost against the property owner. Second by Mr. Beville. Vote: Ayes.

From the audience, Jay Haslett of CP Morgan, who was accompanied by Chad Pittman, attorney for CP Morgan, asked for acceptance of a performance bond for punch list items for the sanitary sewers in Timber Valley, Section 2. There is a section of approximately 300 feet that did not pass some of the tests, said Mr. Haslett, and that is why they are asking for the punch list bond. There was a leak at one of the laterals, he explained. They are hoping to present the rest of their guarantees at the next Board meeting. Mr. Peoni clarified that this request is basically a punch list that consists of testing the line again after a thirty-day period. Keith Meier, Sanitation Superintendent, confirmed that a mandrel test would be done at that time, which would not occur until after the next Board meeting. Mr. Peoni noted that they could set a bond amount. Mr. Hoover moved to grant the request for the performance bond to be put in place, with the amount to be determined by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Under his Status of Tasks, Mr. Peoni first discussed Villages at Honey Creek, Section 1A on CR 125W where the new S curve will be going in for CR 750. They are asking for acceptance of their performance guarantee for erosion control, performance letter-of-credit #VHC-020-05 from Caden Financial Corporation in the amount of \$77,560. The amount, improvement shown, and form area correct. Mr. Beville moved to accept the performance LOC for erosion control at Villages at Honey Creek, Section 1A as described. Second by Mr. Hoover. Vote: Ayes.

Again for the Villages at Honey Creek, Mr. Peoni recounted that in April of this year the Board accepted four (4) sanitary sewer plat-over easements and one (1) drainage plat over easement from JMS Investments. These were never recorded. There is now a new owner, Village at Honey Creek, LLC, who asks that these same easements be accepted with a new title page listing the proper owner. Mr. Hoover moved to grant this request. Second by Mr. Beville. Vote: Ayes.

At the August 4, 2005 meeting, Mr. Peoni noted that three (3) maintenance bonds were accepted for Sweetgrass, Section 4 – for streets, for dirtwork and storm sewers, and for sanitary sewers. The date on the bonds was six months prior to that meeting, so the Board had asked either for riders to correct the date or new bonds with the current date. Mr. Peoni told the Board that instead of the same bond numbers, they presented new bonds with new bond numbers. They are as follows:

- 1) Replace bond #5016021 in the amount of \$52,403 for sanitary sewers with bond #5018351 in the same amount, same improvement.
- 2) Replace bond #5016020 in the amount of \$125,346 for dirtwork and storm sewers with bond #5018350 in the same amount, same improvement.
- 3) Replace bond #5016022 in the amount of \$56,140 for street improvements with bond #5018352 in the same amount, same improvement.

Mr. Beville moved to accept these maintenance bonds with corrected dates as described. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni next recounted that County Line Commons gave the City an extension for two performance letters-of-credit (LOC's) three months ago. The LOC's expire November 5, 2005 and the improvements are still not completed. At his request, Mr. Hoover moved to grant Mr. Peoni permission to draw down on these LOC's if County Line Commons will not renew them again, as they will expire before the next Board meeting on November 10th. Second by Mr. Beville. Vote: Ayes.

For Oldefield Estates, Section 5 Mr. Peoni brought a request to replace performance letter-of-credit (LOC) #100238953 in the amount of \$1,518 from Old National Bank for signs and monuments with new LOC #2000050821 from Old National Bank in the same amount for the same improvement. Mr. Beville moved to accept this new LOC for Oldefield Estates, Section 5 as described. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni next recounted that on August 5, 2004 Copperfield South, Section 2B presented maintenance bond #MNT8728087 in the amount of \$21,388 for sanitary sewers. This was accepted. They did make the additions requested at that time, said Mr. Peoni, but early this year they gave us a rider in the same amount for the same improvement but changed the bond number. This is because of an internal issue with the developer and the bonding company. Mr. Beville moved to accept rider #MNT8783443 in the amount of \$21,388 for the sanitary sewers at Copperfield South, Section 2B. Second by Mr. Hoover. Vote: Ayes.

The Director of Operations next discussed the grant received by the Parks Board to construct the trailways system along Tracy Ditch in the amount of approximately \$1 million. The Parks Board recently moved to ask the Board of Works to accept this project and oversee its local administration. Mayor Henderson described a conversation with the Assistant City Attorney about this, and after a conversation with the Parks Board, they agreed. Mr. Hoover moved to accept administration of this project giving the Director of Operations local administration over the project. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through October 20th. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 6:52 p.m.